

**MINUTES OF THE REGULAR MEETING OF THE
COMMON COUNCIL OF THE CITY OF JASPER, INDIANA
FEBRUARY 23, 2005**

A meeting of the Common Council of the City of Jasper, Indiana, was held on Wednesday, February 23, 2005, in the Council Chambers of City Hall located at 610 Main Street.

Call to Order.

Presiding Officer Mayor William J. Schmitt called the meeting to order at 7:00 p.m.

Roll Call.

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| Mayor William J. Schmitt | Present |
| Councilmembers | |
| John Schroeder | Present |
| Bradley Seger | Present |
| Thomas Schmidt | Present |
| Ambrose 'Butch' Schitter | Present |
| Renee Kabrick | Present |
| Randall Buchta | Present |
| Raymond Howard | Present |
| City Attorney Sandra Hemmerlein | Present |
| Clerk-Treasurer Juanita S. Boehm | Present |

Clerk-Treasurer Juanita Boehm announced that in order to have a quorum for the meeting, a majority of the members of the legislative body must be in attendance. All seven of the members were in attendance; therefore, there was a quorum for the meeting.

Pledge. Mayor Schmitt then invited all those present to recite the Pledge of Allegiance.

Approval of the Minutes

The following minutes were distributed to and examined by the Council:

1. Regular monthly common council meeting held January 19, 2005.
2. January 19, 2005 6:50 p.m. public hearing concerning the petition of ACK Inc., to rezone property located south of State Road 162 and east of Lube Way Road from I-2 to B-3.

A **motion** was made by Councilmember Ambrose Schitter and seconded by Councilmember Thomas Schmidt to approve both sets of minutes. Motion carried 7-0.

Boy Scout. Sam Werne, a boy scout from Troop 185, was present. Werne said he is working on his 'Citizenship in the Community' merit badge.

Utility Service Board. Utility Service Board Chairman Greg Krodel presented a report of the regular monthly meeting held on February 21, 2005. Copies of the minutes were supplied to each council member.

1782 Budget Notice. Mayor Schmitt reported that the council had requested revisiting the 2005 budget after the City receives a notice that contains certain tax information and says the budget was certified by the Department of Local Government Finance (DLGF). Financial Coordinator Sharon Sander presented each council member with a copy of the notice. Along with the notice, Sander included a report that compared the 2004 assessed value, tax rate, and tax levy to the year 2005. The report also showed the net increase and the percent of increase for each category. Sander said the assessed value increased 2.04% from the previous year and the tax levy increased 5.07%. Sander added that the City is approximately \$700 under its maximum levy. Sander explained that the DLGF encourages municipalities to consider setting the budget at the maximum levy because if the maximum levy is not set, it could be lost in subsequent years. She said the Governor has proposed holding the property tax replacement credit at the 2005 level, and if 2005 is used as the base, it could have a negative affect for tax payers and the budget in future years.

During discussion, Councilmember Bradley Seger complimented Financial Coordinator Sander on the readable summary that was presented and a job well done on preparing the budget. He then noted that the summary on page 2 tells the story. He said there is a 5% increase in spending from the property tax levy, but the City's assessed value only grew by 2%. Seger commented that he thought the City should not spend more than it grows and then suggested two ways to offset the shortfall; [1] increase taxes, which is what is being proposed, or [2] lower spending. Seger said the Council needs to set a precedent to not spend more than it grows.

Councilmember Bradley Seger calculated that in order for the 2005 tax rate to be the same as 2004, it would mean reducing the amount of spending in the budget by \$151,960 and suggested that the council reduce the budget that evening. He advised that the Mayor could make the cuts as necessary or cuts to the different funds could be pro-rated. Sander responded that an amount for specific line items has to be known, to which, Councilmember Seger advised on lowering each line item by 3% across the budget. Sander then responded that certain line items such as wages list the amount that is needed including the pay raise and should not be reduced. Seger responded that he was not in favor of reducing wages.

Mayor Schmitt stated that the City was always under the maximum levy and is fiscally responsible, but because Senate Bill 1 has caused the City to lose its levy 'cushion', the City should set the budget close to the maximum levy. Mayor Schmitt opined that this was a good budget and should not be reduced because of the uncertainties that are being proposed by the state. Councilmember Ambrose Schitter considered 3% permissible taking into consideration price increases and inflation and surmised that cutting the budget could cause cuts in services. He also stated that if the City does not spend every dollar, some money could be put in the Rainy Day Fund. Councilmember Renee Kabrick stated that as a practical sense it was inadvisable to spend more than is being brought in. Mayor Schmitt responded that the City is not spending more than is allowed. Schmitt also said that the tax rate has fluctuated over the years.

A **motion** was then made by Councilmember Bradley Seger and seconded by Councilmember Raymond Howard to reduce the amount of spending in the 2005 tax budget by approximately \$151,960. The motion was defeated 3-4 with Councilmembers Seger, Howard and Kabrick voting for the measure while Councilmembers Schmidt, Schroeder, Schitter and Buchta voted against the measure.

Because the motion did not pass, City Attorney Sandra Hemmerlein recommended the Council make another motion.

Thereafter, a **motion** was made by Councilmember Ambrose Schitter and seconded by Councilmember John Schroeder to approve the 2005 budget as certified and received by the Department of Local Government Finance. The motion passed 4-3 with Councilmembers Schmidt, Schroeder, Schitter and Buchta voting for the measure while Councilmembers Seger, Howard and Kabrick voted against the measure.

Appropriation Request from the Riverboat Fund. Mayor Schmitt explained that Redevelop Old Jasper Action Coalition (ROJAC) received a \$900,000.00 80% / 20% matching Transportation Enhancement Grant for the Mill/Boulevard project. Because ROJAC does not have all of the matching funds that are needed, Mayor Schmitt said they will be seeking donations. Schmitt reported that the City of Jasper has received Riverboat revenue that has been placed in the Riverboat Fund and thereafter requested that \$25,000 from the Riverboat Fund be used towards ROJAC's matching grant.

There followed much discussion. Councilmember Renee Kabrick asked how much money the City has spent towards the ROJAC projects so far. Mayor Schmitt responded that he was not sure of the exact cost, but stated that City funding was used to purchase some land and old buildings in the area and for installing the parking lot, as well as replacing some infrastructure. Councilmember Thomas Schmidt stated that the Train Depot project had cleaned up a blighted area. Councilmember Bradley Seger was concerned about expenses for operations of the Mill and that the project was supposed to be funded by the private sector not by taxpayer money. He further stated that the \$900,000.00 grant was actually taxpayer money. He commented that this is a good project, but cautioned that this is not a City project. Councilmember Ambrose 'Butch' Schitter responded by saying that ROJAC made it clear that the private sector would run the Mill.

Clerk-Treasurer Juanita Boehm commented that an agreement or contract between ROJAC and the City would have to be signed before the City could disburse money, and an appropriation would need to be made in The Riverboat Fund. City Attorney Hemmerlein advised that any appropriation for ROJAC would need to be in ordinance form.

A **motion** was made by Councilmember Thomas Schmidt and seconded by Councilmember Ambrose Schitter to approve the request of \$25,000 to ROJAC and prepare an ordinance for the appropriation from the Riverboat Fund. Motion passed 7-0.

Ordinance No. 2005-2 AN ORDINANCE AMENDING ORDINANCE NO. 2004-37 ENTITLED AN ORDINANCE AFFIXING SALARIES AND WAGES FOR THE UTILITY EMPLOYEES OF THE CITY OF JASPER, INDIANA, FOR THE YEAR 2005.

Ordinance No. 2005-2 amends the salary ordinance for utility employees in order to add language that would allow salary exempt employees to receive additional compensation in extraordinary circumstances such as providing assistance to other communities covered by a mutual aid agreement.

Upon motion by Councilmember Ambrose Schitter seconded by Councilmember Renee Kabrick and unanimously approved, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Randall Buchta seconded by Councilmember Renee Kabrick and unanimously approved, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Thomas Schmidt, seconded by Councilmember Ambrose Schitter it was moved to pass and adopt Ordinance No. 2005-2. The measure passed 7-0.

Ordinance No. 2005-3 AN ORDINANCE AMENDING ORDINANCE NO. 2004-38 ENTITLED AN ORDINANCE AFFIXING SALARIES AND WAGES FOR THE CIVIL CITY OF THE CITY OF JASPER, INDIANA, FOR THE YEAR 2005.

Ordinance No. 2005-3 amends the salary ordinance for civil city employees in order to add language that would allow salary exempt employees to receive additional compensation in extraordinary circumstances such as providing assistance to other communities covered by a mutual aid agreement.

Upon motion by Councilmember Renee Kabrick seconded by Councilmember Ambrose Schitter and unanimously approved, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Bradley Seger seconded by Councilmember John Schroeder and unanimously approved, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Thomas Schmidt, seconded by Councilmember Ambrose Schitter it was moved to pass and adopt Ordinance No. 2005-3. The measure passed 7-0.

Ordinance No. 2005-4 AN ORDINANCE AMENDING ORDINANCE NO. 1991-43 ENTITLED AN ORDINANCE VACATING A PUBLIC ALLEY.

Ordinance No. 2005-4 amends Ordinance No. 1991-43 to change Lot 66 to Lot 69 in the legal description portion of the ordinance that vacated the alley connecting 36th and 37th Streets located between Newton and Villa Streets.

Upon motion by Councilmember Renee Kabrick seconded by Councilmember Raymond Howard and unanimously approved, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Ambrose Schitter seconded by Councilmember Randall Buchta and unanimously approved,

it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon **motion** made by Councilmember Bradley Seger, seconded by Councilmember Thomas Schmidt it was moved to pass and adopt Ordinance No. 2005-4. The measure passed 7-0.

During discussion, City Engineer Chad Hurm presented a map of the area while City Attorney Sandra Hemmerlein explained the ordinance.

Ordinance No. 2005-5 AN ORDINANCE AMENDING SECTION 4(2) OF ORDINANCE NO. 546, ENTITLED AN ORDINANCE PROVIDING FOR A UNIFORM CODE FOR TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF JASPER, INDIANA—PARKING PROHIBITED ON CERTAIN DESIGNATED STREETS.

Ordinance No. 2005-5 prohibits parking along portions of 9th Street.

Upon motion by Councilmember Raymond Howard seconded by Councilmember Ambrose Schitter and unanimously approved, it was moved to read the ordinance for one reading only. Thereafter, on motion made by Councilmember Thomas Schmidt seconded by Councilmember Renee Kabrick and unanimously approved, it was moved to have the ordinance read by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Ambrose Schitter, seconded by Councilmember Renee Kabrick it was moved to pass and adopt Ordinance No. 2005-5. The measure passed 7-0.

During discussion, City Engineer Chad Hurm presented a map of the area and explained the ordinance. Hurm also said the Board of Public Works and Safety at its February 22, 2005 meeting made the recommendation to amend the ordinance.

Resolution No. 2005-1 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF JASPER, INDIANA, ADOPTING A WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN ANNEXED AREA (Hochgesang Area).

Resolution No. 2005-1 adopts a fiscal plan for annexing 5.55 acres located south of Third Avenue, west of “A” Street.

Upon motion by Councilmember Ambrose Schitter, seconded by Councilmember Renee Kabrick, and unanimously approved, it was moved to read the resolution for one reading only. Thereafter, on motion made by Councilmember Randall Buchta, seconded by Councilmember Thomas Schmidt, and unanimously approved, it was moved to have the resolution read by title only. The resolution was so read. Thereafter, upon motion made by Councilmember Ambrose Schitter, seconded by Councilmember Randall Buchta, and unanimously approved, it was moved to pass and adopt Resolution No. 2005-1.

During discussion, Financial Coordinator Sharon Sander presented a summary of the fiscal plan. She explained that there is currently a sanitary sewer gravity line in the area which can service the lots. Some of the lots would require the use of a private pump system/lift system. It will be at the property owners’ expense to

connect to this service, if they are not already connected to it. In the event another gravity line is constructed to service part of this area, those property owners in the area who it is built to serve would be required to fully fund the cost to construct this line.

Mayor Schmitt then reported that all property owners had petitioned for the annexation.

**Ordinance No. 2005-6 AN ORDINANCE ANNEXING CERTAIN
ADJACENT AND CONTIGUOUS TERRITORY INTO THE
CORPORATE LIMITS OF THE CITY OF JASPER, INDIANA.**

Ordinance No. 2005-6 annexes 5.55 acres located south of Third Avenue, west of "A" Street.

The ordinance was introduced upon motion by Councilmember Ambrose Schitter, seconded by Councilmember Thomas Schmidt, and unanimously approved, to read the ordinance by title only on first reading. The ordinance was so read. Thereafter, on motion made by Councilmember Thomas Schmidt and seconded by Councilmember Randall Buchta, Ordinance No. 2005-6 was unanimously approved on first reading.

During discussion, City Attorney Sandra Hemmerlein reported that a public hearing would be held at 6:50 p.m. on March 23, 2005 and that a fiscal plan was approved earlier in the meeting.

Adjournment

There being no further business to come before the board, a **motion** was made by Councilmember Renee Kabrick and seconded by Councilmember Thomas Schmidt to adjourn the meeting. The motion carried unanimously and the meeting adjourned at 8:50 p.m.

**William J. Schmitt, Mayor
Presiding Officer**

ATTEST:

Juanita S. Boehm, Clerk-Treasurer

Cynthia Kluemper, Recording Secretary